

1 FRED M. PLEVIN (SBN 126185)  
SANDRA L. MCDONOUGH (SBN 193308)  
2 ALBERT R. LIMBERG (SBN 211110)  
**PAUL, PLEVIN, SULLIVAN &**  
3 **CONNAUGHTON LLP**  
401 B Street, Tenth Floor  
4 San Diego, California 92101-4232  
Telephone: 619-237-5200  
5 Facsimile: 619-615-0700

6 AMY S. GONZALEZ (SBN 181745)  
7 **SAN DIEGO COUNTY REGIONAL AIRPORT**  
**AUTHORITY**  
8 3225 N. Harbor Drive  
San Diego, CA 92138  
9 Telephone: 619-400-2425  
Facsimile: 619-400-2428

10 Attorneys for Defendants  
11 **SAN DIEGO COUNTY REGIONAL AIRPORT**  
**AUTHORITY and THELLA BOWENS**

12  
13 UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA

15 JOSE HERNANDEZ,

16 Plaintiff,

17 v.

18 SAN DIEGO COUNTY  
19 REGIONAL AIRPORT  
AUTHORITY, a public entity;  
20 THELLA BOWENS, an individual;  
and DOES 1 through 20, inclusive,

21 Defendants.  
22

CASE NO. 08 CV 0184 L CAB

**DEFENDANT SAN DIEGO COUNTY  
REGIONAL AIRPORT  
AUTHORITY'S NOTICE OF  
MOTION AND MOTION FOR  
JUDGMENT ON THE PLEADINGS**  
[Fed. R. Civ. P. 12(c)]

Date: May 19, 2008

Time: 10:30 a.m.

Dept. 14

Judge: Honorable James Lorenz

[Magistrate Judge Cathy Ann Bencivengo]

23  
24  
25 TO PLAINTIFF JOSE HERNANDEZ AND HIS ATTORNEYS OF  
26 RECORD:

27 PLEASE TAKE NOTICE that on May 19, 2008, at 10:30 a.m. or as soon  
28 thereafter as the matter may be heard by the above-entitled Court, located at

1 940 Front Street, San Diego, California, defendant San Diego County Regional  
2 Airport Authority ("Defendant") will move the Court pursuant to Rule 12(c) of the  
3 Federal Rules of Civil Procedure for dismissal with prejudice of Hernandez' Third  
4 Amended Complaint and all causes of action filed, and entry of judgment in favor  
5 of the Authority on the grounds that Plaintiff has failed to state a claim upon which  
6 relief may be granted (failure to allege a constitutional violation).

7 This motion is based on this Notice of Motion and Motion, the  
8 Memorandum of Points and Authorities filed herewith, the pleadings and papers  
9 filed herein, and upon such other matters as may be presented to the Court at or  
10 before the time of the hearing.

11 Dated: March 3, 2008

PAUL, PLEVIN, SULLIVAN &  
CONNAUGHTON LLP

12  
13  
14 By: /s/ Albert R. Limberg

FRED M. PLEVIN  
SANDRA L. MCDONOUGH  
ALBERT R. LIMBERG  
Attorneys for Defendants  
SAN DIEGO COUNTY REGIONAL  
AIRPORT AUTHORITY and  
THELLA BOWENS

1 *Hernandez v. San Diego County Regional Airport Authority*  
2 USDC Case No. 08 CV 0184 L CAB

3 I, the undersigned, hereby declare that I am over the age of eighteen years  
4 and not a party to this action. I am employed, or am a resident of, the County of  
5 San Diego, California, and my business address is: Paul, Plevin, Sullivan &  
6 Connaughton LLP, 401 B Street, Tenth Floor, San Diego, California 92101.

7 On March 3, 2008, I caused to be served the following document(s):

- 8 • **DEFENDANT SAN DIEGO COUNTY REGIONAL AIRPORT**  
9 **AUTHORITY'S NOTICE OF MOTION AND MOTION FOR**  
10 **JUDGMENT ON THE PLEADINGS [Fed. R. Civ. P. 12(c)];**
- 11 • **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT**  
12 **OF SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY'S**  
13 **MOTION FOR JUDGMENT ON THE PLEADINGS**

14 on the interested party (ies) in this action by placing [ x ] a true copy [ ] the  
15 original thereof and addressed as follows:

16 Cathryn Chinn, Esq.  
17 1901 First Avenue, Suite 400  
18 San Diego, CA 92101  
19 Tel: 619-295-4190 / Fax: 619-295-9529  
20 **Attorney for Plaintiff Jose Hernandez**  
21 **Attorneys for Plaintiff**

- 22 ☐ (By **MAIL SERVICE**) I then sealed each envelope and, with postage  
23 thereon fully prepaid postage, I placed each for deposit with United States  
24 Postal Service, this same day, at my business address shown above,  
25 following ordinary business practices.
- 26 ☒ (By **E-MAIL OR ELECTRONIC TRANSMISSION**) Based on a court  
27 order or an agreement of the parties to accept service by e-mail or electronic  
28 transmission, I caused the documents to be sent to the person(s) at the e-mail  
addresses listed above. I did not receive, within a reasonable time after the  
transmission, any electronic message or other indication that the  
transmission was unsuccessful.

I declare that I am employed by the office of a member of the bar of this  
court at whose direction the service was made.

Executed March 3, 2008, at San Diego, California.

26   
27 \_\_\_\_\_  
28 Christie Brzezinski